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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,184	08/23/2001	Walter F. Anderson	CM04882H	1947
22917	7590	05/12/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			SCHUBERT, KEVIN R	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/938,184

Applicant(s)

ANDERSON ET AL.

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims 12-18 have been considered.

***Continued Examination Under 37 CFR 1.114***

5           A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/06 has been entered.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15           (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20           Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardeck, U.S. Patent No. 5,471,532.

As per claim 12, the applicant describes a method comprising the following limitations which are met by Gardeck:

25           a) receiving, by a manual key delivery device from a centralized key management facility that is remote from the manual key delivery device, one or more key management messages including indicia of respective target communication devices that are to receive the key management messages (Col 3, line 45 to Col 4, line 9);

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b) operably connecting the key delivery device to one or more candidate encryption devices (Col 3, line 45 to Col 4, line 9);

c) determining, by the key delivery device upon connecting to the one or more candidate encryption devices and based on the indicia included in the one or more received key management messages, which ones of the candidate encryption devices are target encryption devices (Col 3, line 45 to Col 4, line 9);

d) delivering, from the key delivery device, one or more key management messages to the candidate encryption devices determined by the key delivery device to be target encryption devices (Col 3, line 45 to Col 4, line 9).

As per claim 13, the applicant describes the method of claim 12, which is met by Gardeck, with the following limitation which is also met by Gardeck:

a) determining, by the key delivery device upon connecting to the one or more candidate encryption devices, which ones of the candidate encryption devices are not target encryption devices (Col 3, line 45 to Col 4, line 9);

b) not delivering key management messages to the candidate encryption devices determined by the key delivery device not to be target encryption devices (Col 3, line 45 to Col 4, line 9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardeck in view of Doiron, U.S. Patent No. 5,481,610.

As per claim 14, the applicant discloses the method of claim 12, which is met by Gardeck, with the following limitation which is met by Doiron:

Further comprising the step of displaying, by the key delivery device upon a successful delivery of  
5 a key management message to a target encryption device, a message indicative of the successful delivery of the key management message to the target encryption device (Doiron: Col 8, line 62 to Col 9, line 15);

Gardeck discloses all the limitations of claim 12. However, Gardeck appears to be silent as to displaying a message indicative of successful delivery of a key message to a target encryption device.

10 Doiron discloses a rekeying system in which the key delivery device has a display. When a key is delivered, the user is able to tell if the delivery was a success. If the transfer is a success, "Good transfer" appears on the screen.

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Doiron with those of Gardeck and display a message indicative of a successful  
15 transfer because doing so allows a user to know that successful transmission of a key has completed.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardeck in view of Miller, U.S. Patent No. 6,208,612.

20 As per claim 15, the applicant describes the method of claim 12, which is met by Gardeck, with the following limitation which is met by Miller:

Further comprising the step of displaying, by the key delivery device upon an unsuccessful delivery of a key management message to a target encryption device, a message indicative of the unsuccessful delivery of a key management message to the target encryption device (Miller: Col 10, lines  
25 20-34);

Gardeck discloses all the limitations of claim 12. However, Gardeck appears to fail to disclose displaying a message indicative of an unsuccessful transfer. Miller discloses the idea that a message

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indicative of an unsuccessful transfer may be displayed. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Miller with those of Gardeck because doing so allows a user to know that a transmission has been unsuccessful.

5            Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardeck in view of Schneier (Schneier, Bruce. Applied Cryptography. CRC Press. 1996. pages 1-2).

As per claims 16-18, the applicant describes the method of claim 12, which is met by Gardeck, with the following limitations:

10            a) determining a target destination identifier associated with the encrypted key management message (Gardeck: Col 3, line 45 to Col 4, line 9; Schneier: pages 1-2);

b) delivering the encrypted key management message to a target communication device corresponding to the target destination identifier (Gardeck: Col 3, line 45 to Col 4, line 9; Schneier: pages 1-2);

15            Gardeck discloses all the limitations of claim 12. Gardeck, however, is silent to whether the key management message is encrypted. Schneier discloses the well-known idea that a message may be encrypted. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Schneier with those of Gardeck because doing increases the security associated with a message.

20

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

25            If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should  
5 you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KS

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**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**